

**STATEMENT OF
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BEFORE THE
UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS**

April 22, 2008

CONCERNING

S. 934/H.R. 1374 - to amend the Florida National Forest Land Management Act of 2003 to authorize conveyance of an additional tract of National Forest System land under that Act, and for other purposes; and

S. 2834 – Washington County Growth and Conservation Act of 2008

Mr. Chairman and members of the Subcommittee:

Thank you for the opportunity to provide the Department's views on two bills on the agenda today. My testimony will be regarding S. 934 and S. 2834.

S. 934/H.R. 1374 - to amend the Florida National Forest Land Management Act of 2003 to authorize conveyance of an additional tract of National Forest System land under that Act, and for other purposes.

S. 934/H.R. 1374 would amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance, for fair market value, of 114 acres (Tract W-1979; Flea Market Tract) in Leon County, Florida. Proceeds from the sale of Tract W-1979 are to be used exclusively for the purchase of inholdings located within the Apalachicola National Forest. The bill also provides that proceeds from the sale of any of the other parcels listed in the 2003 Act may be used for the acquisition, construction, or maintenance of administrative improvements for units of the National Forest System (NFS) within the State, except that the bill further directs that only proceeds from the sale of lands with improved infrastructure may be used for administrative improvements.

The Department supports this bill but would like to work with the Committee and the bill's sponsors on amendments that focus the use of funds derived from sales in a manner that comports with the original Act. Tract W-1979 (Flea Market Tract) has been on the National Forests in Florida's potential exchange list for more than 10 years. It is a developed parcel of land in an urban area which lacks National Forest character. The conveyance of this tract will reduce boundary management costs and allow for the purchase of high priority endangered species habitat, critical wetlands, and potential recreation areas for the public.

S. 2834 – Washington County Growth and Conservation Act of 2008

S. 2834 pertains to various NFS, Bureau of Land Management (BLM), and National Park Service (NPS) lands in Washington County, Utah. I will limit my remarks to the provisions of the bill related to the NFS lands and will defer to the Department of the Interior on provisions relating to the lands managed by the BLM and the NPS.

S. 2834 would designate new wilderness areas, including 2,643 acres of NFS land on the Dixie National Forest as the “Cottonwood Forest Wilderness,” provide for trail maintenance, travel management planning, conservation projects, establish the High Desert Off-Highway Vehicle Trail, and prescribe certain management objectives in wilderness areas designated in this bill. It would also direct the conveyance of 112 acres of land on the Dixie National Forest to Mr. Kirk R. Harrison. The Department does not oppose S. 2834, although we have concerns regarding some of the bill’s provisions.

The proposed wilderness area is scenic, rugged, and has a rich diversity of narrow canyons providing excellent opportunity for solitude and primitive recreational experiences. It also possesses a special feature by virtue of its location adjacent to a desert tortoise reserve. In addition, the area is contiguous to BLM land that would be designated by the bill as the “Cottonwood Canyon Wilderness.” The Dixie National Forest has determined that the area is suitable for wilderness. However, in the revision of its forest plan, the Forest expects to propose that the area be managed as a “Backcountry Area.” This classification is similar to wilderness, but differs because it would allow a mix of motorized and non-motorized recreation to take advantage of the unique recreation opportunities that exist in the area.

The Department requests a technical amendment to the bill in Title I – Wilderness Areas which is needed for clarification. The bill defines the term “Secretary” as the Secretary of the Interior. Accordingly, Section 102(a)(2) could be interpreted to mean the Secretary of the Interior would manage the area of NFS lands designated as the “Cottonwood Forest Wilderness” by Section 101(a)(5). We suggest adding “Agriculture” to the language “...shall be considered to be a reference to the Secretary” to clarify that NFS lands under the jurisdiction of Agriculture would continue to be managed by the Secretary of Agriculture.

Section 102 of the bill includes some provisions regarding the management of the areas designated as wilderness that are either unnecessary or would change the direction that would otherwise apply under the Wilderness Act of 1964. The Department prefers to follow the provisions of the Act. The Department objects to the provisions in Section 102(l), which would permanently authorize the State’s use of aircraft in wilderness for wildlife management purposes, and Section 102(m), which would authorize wildlife water development projects. The Forest Service currently subjects proposed uses of wilderness to review on a case-by-case basis, allowing for cooperatively working with partners to balance use in compliance with the Wilderness Act.

Section 102(n) would direct the Secretaries to enter into a cooperative agreement under which the State or designee of the State would carry out wildlife management

activities in wilderness areas designated by this title. The Department does not oppose this provision. The Forest Service has signed a cooperative agreement with the Association of Fish and Wildlife Agencies and the BLM that outlines policies and guidelines for fish and wildlife management in wilderness areas, including protocols for managing nonconforming uses (titled “Policies and Guidelines for Fish and Wildlife Management in National Forest and Bureau of Land Management Wilderness” and dated June 2006). It demonstrates a common understanding between the States and Federal agencies. The agreement also allows for similar State-specific agreements if needed. The Department believes that this national agreement provides a mutually agreed upon method to address management issues, and it would be our preference to develop any State agreement in accordance with it to maintain a consistent approach.

Section 603 of the bill would direct the Secretary of the Interior, in coordination with the Secretary of Agriculture, to designate the High Desert Off-Highway Vehicle Trail based on existing roads and trails. The Department does not oppose the trail designation. However, the Department is concerned about the cost of repair and the reconstruction of existing trails that the designation could require. This work has not been a priority trail reconstruction project for the Forest.

Section 1002 of the bill would direct the Secretary of Agriculture to convey, for fair market value, 112 acres of land to Mr. Kirk R. Harrison, a private landowner. The Department is concerned with this section of the bill. The lands in question are currently the subject of Small Tracts Act applications by Mr. Harrison. While we support selling Mr. Harrison approximately 21 acres, which would include his entire original applications for the Spring Field, Platt Field, and Reservoir Field land areas, we do not support conveyance of any additional acres. However, we would like to continue to work with the sponsor and the Committee to resolve this concern. In addition, we would like to suggest a technical correction for this section.

Mr. Chairman, again thank you for the opportunity to discuss both S. 934 and S. 2834. I am happy to answer any questions you may have.